



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 24 2016

CERTIFIED MAIL 7011 3500 0003 2064 1502
RETURN RECEIPT REQUESTED

Mr. Clay Baumann
Bear Trading, LLC
14261 Street Rose Road
Highland, Illinois 62249

Re: Notice of Violation of the Safe Drinking Water Act
and Notice of Opportunity to Show Cause

Dear Mr. Baumann:

The U. S. Environmental Protection Agency Region 4 has performed a file review of the Underground Injection Control (UIC) Program records for the injection well listed below, which you own or operate. This well constitutes a *facility* as that term is defined in 40 C.F.R § 144.3 and is subject to the requirements of the Safe Drinking Water Act (SDWA) 42 U.S.C. § 300f, et seq. and the UIC regulations. Based on the information in the program records, the EPA has found that you are in violation of the SDWA 42 U.S.C. § 300f, et seq. and UIC regulations as set forth below.

The SDWA 42 U.S.C. § 300f, et seq. and 40 C.F.R. § 144.51(a) require the permittee of a permitted UIC well, to comply with all conditions of the permit. Part I, Section C, Paragraph 2, of your permit, requires the permittee to weekly monitor the injection and annulus pressures at the wellhead, the flow rate and to monthly monitor the cumulative volume of the injected fluid. Part I, Section D, Paragraph 2, contains the requirement to submit the results of all monitoring to the EPA by the end of January of the subsequent year. The information contained in the EPA's records, indicates you are in violation of 40 C.F.R. § 144.51(a), the UIC permit and the SDWA 42 U.S.C. § 300f, et seq. for failure to submit annual monitoring reports for multiple years.

Part I, Section C, Paragraph 3, of your permit, requires the permittee to conduct injection fluid analyses at least once every 12 months and whenever changes are made to the injection fluid. Part I, Section D, Paragraph 2, requires the results of these injection fluid analyses to be submitted annually to the EPA. The information contained in the EPA's records, indicates you are in violation of 40 C.F.R. § 144.51(a), the UIC permit and the SDWA 42 U.S.C. § 300f, et seq. for failure to submit results of injection fluid analyses for multiple years.

<u>Permit No.</u>	<u>EPA ID No.</u>	<u>Well Name</u>	<u>Well No</u>	<u>Status</u>	<u>County</u>
KYI0941	KYS1690011	Max Will	2	AC	Metcalf

These violations may subject you to enforcement action pursuant to Section 1423 of the SDWA 42 U.S.C. § 300h-2 et seq. This section provides for the issuance of administrative penalty and compliance orders and/or the initiation of civil and/or criminal actions. **Therefore, within seven (7) days of your receipt of this Notice of Violation, you or your representative must contact this office to arrange a meeting to show cause why the EPA should not initiate legal proceedings.** In lieu of appearing in the EPA's offices for this meeting, a telephone conference may be scheduled. You or your representative should be prepared to provide all relevant information with documentation pertaining to the above violations. EPA's legal counsel may be present at this meeting. You also have the right to have your legal counsel present.

To arrange this meeting or to arrange for a telephone conference, please contact Mr. Anthony Shelton of my staff at (404) 562-9636. Legal inquiries should be directed to Ms. Wilda Cobb, Associate Regional Counsel at (404) 562-9530. If Bear Trading, LLC fails to attend the scheduled meeting/telephone conference or to contact Mr. Shelton prior to the meeting/conference date, the EPA may issue an administrative complaint against Bear Trading, LLC without further notice.

Enclosed is a document entitled *U.S. EPA Small Business Resources-Information Sheet* for your use and to assist you in understanding the compliance assistance resources and tools available to you. However, any decision to seek compliance assistance at this time does not relieve you of your obligation to the EPA, does not create any new rights or defenses and will not affect the EPA's decision to pursue enforcement action. In addition, the Securities and Exchange Commission (SEC) requires its registrants to periodically disclose environmental legal proceedings in statements filed with the SEC. To assist you, the EPA has also enclosed a document entitled *Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings*.

Sincerely,



James D. Giattina
Director
Water Protection Division

Enclosures